

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

DAVID CZAPIEWSKI, et al.,

Plaintiff,

v.

KURT THOMAS, et al.,

Defendants.

ORDER

Case No. 15-cv-654-bbc

Plaintiff David Czapiewski has filed a certified copy of an inmate trust fund account statement in support of the motion for leave to proceed without prepaying the fee. After considering the motion and supporting documentation, the court concludes that plaintiff qualifies for indigent status.

Even when a prisoner litigant qualifies for indigent status, the litigant must pay a portion of the fee returned by the formula set forth in 28 U.S.C. § 1915(b)(1). Using information for the relevant time period from plaintiff's trust fund account statement, I calculate plaintiff's initial partial filing fee to be \$95.24. For this case to proceed, plaintiff must submit this amount on or before December 3, 2015.

Plaintiff has also filed a motion to use release account funds to pay the initial partial filing fee for filing this case. (Dkt. #25). Plaintiff's motion will be granted in part. If sufficient funds do not exist in plaintiff's regular account to pay his initial partial payment, he may use his release account to pay some or all of the assessed amount.

ORDER

IT IS ORDERED that,

1. Plaintiff David Czapiewski is assessed \$95.24 as an initial partial payment of the \$350.00 fee for filing this case. Plaintiff is to submit a check or money order made payable to the clerk of court in the amount of \$95.24 or advise the court in writing why plaintiff is not able to submit the assessed amount on or before December 3, 2015.

2. Plaintiff's motion for use of release account funds to pay the initial partial filing fee in this case (Dkt. #25) is GRANTED IN PART. If plaintiff does not have enough money to make the initial partial payment from plaintiff's regular account, plaintiff may arrange with authorities to pay the remainder from plaintiff's release account.

3. If, by December 3, 2015, plaintiff fails to make the initial partial payment or show cause for failure to do so, plaintiff will be held to have withdrawn this action voluntarily.

4. No further action will be taken in this case until the clerk's office receives plaintiff's initial partial filing fee as directed above and the court has screened the complaint as required by the Prisoner Litigation Reform Act, 28 U.S.C. § 1915(e)(2). Once the screening process is complete, a separate order will issue.

Entered this 12th day of November, 2015.

BY THE COURT:

/s/
PETER OPPENEER
Magistrate Judge